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REFUSES TO TRY CALEB POWERS

Special Judge Robbins Springs
Surprise at Opening of Trial

Georgetown, Ky., Aug. 1.—Judge J. E. Robbins, in a written decision, which he read in open court, vacated the bench in the Caleb Powers case this morning. His decision followed the filing of an affidavit by Powers, alleging that Judge Robbins was prejudiced and could not give him a fair trial. The conclusion came like a bombshell explosion in the camp of the prosecution and was a great surprise to the defense.

Judge Robbins took up each allegation of Powers and denied specifically that they were true, but said that it was too late to mar his record as judge by sitting in a case when he was accused of unfairness. He said that the statement to the effect that he had said, after the last trial, that they were all guilty and should be hanged, was utterly false. He said that his political affiliations would not influence him against the defendant, but that he was a Democrat and had been a Democratic officeholder.

Breathless silence was maintained in the crowded courtroom while the judge read his opinion and his vacating the bench came as a complete surprise to the spectators.

Immediately after he left the bench people rose in their seats and began a disturbance, so that they had to be subdued by the sheriff.

Robbins said that the affidavit of Powers was unsupported, but that he would not serve under the circumstances. After leaving the bench he asked the clerk to notify the governor and the attorneys retired in an effort to agree on another judge.

The defense submitted thirty two names of Commonwealth's Attorney Franklin from which to select a special judge, but all were refused. Most of the names submitted were declined. Franklin refused to give a list himself. An order of disagreement was entered and the governor will now have to find a judge.

The trial will not be proceeded with until Gov. Beckham appoints a new judge.

The members of the legislature of 1900 have been summoned by the defense to prove that the caucus declaring Goebel governor was not legal. This evidence is to be introduced in support of the pardon issued to Powers by Gov. W. S. Taylor during his short regime. The pardon has heretofore been held invalid. Powers had the pardon in his possession when arrested.

A MASQUERADER

"Joe" Povle, Injured in Mine
Accident Proves to be
A Woman.

Washington, Pa., Aug. 2.—Masquerading as a man and working side by side with her husband in various Washington county coal mines, "Joe" Povle was today discovered to be Mrs. Susie Povle, when she was taken to a hospital suffering from injuries sustained in a mine accident of Cecil. The woman, according to her husband, Steve Povle, had been working with him three years. Her coarse voice and close-cropped hair deceived all as to her sex, while her strength equalled that of any of her male Slav companions. The woman's injuries were discovered to be serious, and her husband was lodged in the coun-

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ty jail here, charged with violating the law in employing female help in a mine. The woman acted as Povle's "helper" and was paid by him.

COUNSEL FOR THAW

Prisoner Chooses Tennessee
Lawyer to Represent Him
in His Next Trial

New York, Aug. 2.—Martin W. Littleton, former president of the Borough of Brooklyn, a lawyer and an orator of wide reputation, and a native of Tennessee will be chief counsel for Harry K. Thaw when the wealthy young Pittsburgher again faces a jury to answer to the charge of killing Stanford White. Thaw announced the selection of Mr. Littleton today, after a conference with his mother and his wife. It is said that Mr. Littleton's fee will be \$25,000.

As chief counsel for Thaw Mr. Littleton will succeed Delphin M. Delmas, the San Francisco lawyer, who assumed charge of the defense soon after the opening of Thaw's first trial, which resulted in a disagreement of the jury. He is regarded as an able trial lawyer. It was Littleton who made the speech in the last National Democratic convention at St. Louis nominating Alton B. Parker for president.

The retirement of Judge Robbins from Powers case came as a disagreeable surprise to the defense, which has hoped he would overrule its motion to get him off the bench, expecting on his ground to get the case into the Federal Court. Unless a new presiding judge is named a delay of the trial until later is expected.

CONTRACT LET
Big Doings at Jackson Fair
And Carnival.

Hon. E. H. Blakeslee, commissioner of agriculture and commerce, announces that the management of the big state fair and carnival event to be given in Jackson this fall, have let a contract for a mammoth building to be known as "Agricultural Hall." Last year the management built the present Auditorium or Coliseum building, which will hold 8,000 people, besides accommodating a large variety of exhibits of various kinds. This Coliseum building was filled to overflowing last season, as well as the old capitol building and the numerous booths that were built in the grounds around the old capitol. This new building, which is to be erected at once, will be the largest building yet erected by the company. It will have a floor space of 300 feet long by 150 feet in length and it will be devoted entirely to the accommodation of agricultural displays of various kinds. This building and the Coliseum building and the old capitol will be the main buildings, but they will be supplemented by large tents and booths and various other outbuildings of smaller dimensions scattered around the grounds.

Natural Gas Used.

Huntsville, Ala., Aug. 1.—Natural gas was turned on through the pipes of the Huntsville Gas Company today and price was cut in half. \$1. per thousand feet. The New York-Alabama Oil Company is in charge of the gas industry here now, having leased the plant and taken over the franchises of the Huntsville Gas Company. The manufacture of artificial gas has been discontinued, except to a limited extent.

COPPERHEAD SNAKE
IN KEG OF BEER

Four Men Die from Drinking
the Liquor.

Ashland, Ky., Aug. 2.—From the effect drinking beer from a keg into which a copperhead snake had crawled and died, four men are dead and two are dying at a woodland camp in the mountains, fifteen miles back of Welch, McDowell county.

Sam Briggs, Walter Johnson, Ralph Dunbar, Sam Willis, Carey Turner, "Red" Topham, Will Simpson and Joe Strang formed a party that pitched camp at the edge of a mountain stream for a two weeks' outing. They had taken a small keg of beer with their effects, hauling them over an old timber tramroad. The keg had been opened and left half submerged in the cold water with the bung hole unstoppered. It is presumed that some time during the afternoon the copperhead crawled into the keg and died. All but Strang drank the beer in the evening, and in less than fifteen minutes were suffering untold agony. Strang made a wild night ride on the tramroad down the mountain to the nearest village, where medical help was secured, but by the time the camp was reached Briggs, Topham, Turner and Simpson were dead from the effects of the terrible poison, and while Johnson and Willis were just alive, they are probably dead by this time.

The Rev. Zed Cobb's assertion that there are three heavens, in connection with the statement of a Georgia minister that there is no hell, only goes to show that Pittsburg is in a class by itself, while there are other places just as desirable as Boston.

AFFRAY IN JACKSON

Georgia R. Jeter Wounded by
Georgia Man

Jackson, Miss., Aug.—As a result of a difficulty, which occurred at a cigar and billiard stand on West Capitol street early tonight, George R. Jeter, a cotton seed buyer, whose home is in Lawrence county, lies desperately wounded with two bullets through his body, the result of which are still uncertain, and T. J. Talbert of Athens, Ga., a traveling man, is in the city prison, charged with shooting with intent to kill.

The quarrel was the outcome of a game of cigar roulette in the tobacco stand, in which they were both engaged, along with others. Sharp words passed between them. Jeter, it is stated, turned from where they had been standing and walked in the direction of the pool tables, when Talbert, as stated by bystanders, started after him, drawing a weapon at the same time and walking close up to Jeter fired. Two shots were effective, while two, which were fired after Jeter fell, went wide of his body.

With the pistol still smoking in his hand, Talbert ran out of the store and started up the street, but was halted by citizens, who had been attracted by the shots, and held until the police came up. After being taken to the jail, Talbert would have nothing to say, beyond the fact that he felt justified in what he had done. He is a shirt salesman and is well known in this territory, while his victim, who has been here some four months, is also well known and enjoys a good reputation.

GEORGIA IN LINE

Negro Disfranchisement Bill
Passes Senate by Almost
Unanimous Vote

Atlanta, Ga., Aug. 1.—The so-called negro disfranchisement bill was passed by the senate today by a vote of 37 to 6.

The bill will go to the house for action Friday. The bill, which follows closely the Alabama law, provides that in order to vote a man must own or pay taxes on \$500 worth of property, or be able to read and write a paragraph of the state or federal constitution, or he must descend from a man who has fought in any war in which the United States or the Confederate States have been engaged, or he must have a proper conception of his duty to the state and the nation.

The adoption of the bill by the lower house is said to be certain, and it follows the recommendations of Gov. Hoke Smith in his inaugural message.

Notice to Telephone Subscribers

On and after August 1st, 1907, the day rates on toll messages will apply at all hours day, night and Sunday, to all points reached by the toll lines of the Cumberland Telephone & Telegraph Company. Written messages will be accepted at the same rates, and under the same terms and conditions as are offered by other telegraph companies, but for oral communications the regular day rate will be the tariff to be observed on and after August 1st.

(Signed) LELAND HUME,
General Manager.

A Two Cent Rate.

The railroad commission ordered the Grand Trunk Railway to have first-class passenger carriages put on the trains throughout the entire system in Canada, but gave it the right to appeal to the supreme court. This will mean a two cent rate for the Canadians.

154

161

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